#5A

PATENT
Our Docket: P-NI 4552

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of) Examiner: Unknown
J. Michael Salbaum)
) Group Art Unit: 1632
Serial No.: 09/754,997)
)
Filed: January 4, 2001)
)
For: NOPE POLYPEPTIDES,)
ENCODING NUCLEIC ACIDS)
AND METHODS OF USE)
_____)

U.S. PATENT AND TRADEMARK OFFICE
BOX SEQUENCE, P.O. BOX 2327
ARLINGTON, VIRGINIA 22202

Sir:

STATEMENT UNDER 37 C.F.R. § 1.821(f) and (g)

I hereby state that the content of the paper and computer readable copies of the Sequence Listing, submitted in accordance with 37 CFR § 1.821(c) and (e), respectively, are the same.

I hereby state that the submission, filed in accordance with 37 C.F.R. § 1.821(g) herein does not include new matter.

Respectfully submitted,
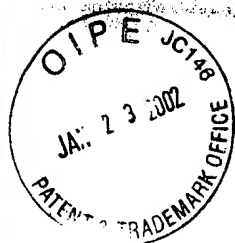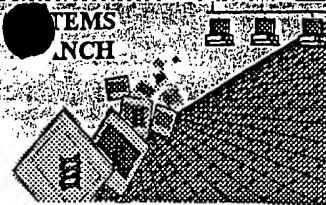
_____January 23, 2002_____
Date

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Registration No. 44,048
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4370 La Jolla Village Drive
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USPTO CUSTOMER NO. 23601

CRF Problem Report

The Scientific and Technical Information Center (STIC) experienced a problem when processing the following computer readable form (CRF):

Application Serial Number: _09/754,997_

Filing Date: _1/4/2001_

Date Processed by STIC: _6/7/2001_

STIC Contact: **Mark Spencer, 703-308-4212**

Nature of Problem:

The CRF (was):

_____ (circle one) Damaged or Unreadable (for Unreadable, see attached)

___✓___ Blank (no files on CRF) (see attached)

_____ Empty file (filename present, but no bytes in file) (see attached)

_____ Virus-infected. Virus name: _____ The STIC will not process the CRF.

_____ Not saved in ASCII text

_____ Sequence Listing was embedded in the file. According to Sequence Rules, submitted file should **only** be the Sequence Listing.

_____ Did not contain a Sequence Listing. (see attached sample)

_____ Other:

_____

PLEASE USE THE CHECKER VERSION 3.0 PROGRAM TO REDUCE ERRORS. SEE BELOW FOR DETAILS:

Checker Version 3.0

The Checker Version 3.0 application is a state-of the-art Windows based software program employing a logical and intuitive user-interface to check whether a sequence listing is in compliance with format and content rules. Checker Version 3.0 works for sequence listings generated for the original version of 37 CFR §§1.821 – 1.825 effective October 1, 1990 (old rules) and the revised version (new rules) effective July 1, 1998 as well as World Intellectual Property Organization (WIPO) Standard ST.25.

Checker Version 3.0 replaces the previous DOS-based version of Checker, and is Y2K-compliant. Checker allows public users to check sequence listings in Computer Readable form (CRF) before submitting them to the United States Patent and Trademark Office (USPTO). Use of Checker prior to filing the sequence listing is expected to result in fewer errored sequence listings, thus saving time and money.

Checker Version 3.0 can be down loaded from the USPTO website at the following address:
http://www.uspto.gov/web/offices/pac/checker

```
A:\>DIR

 Volume in drive A has no label
 Directory of A:\

File not found
                    1,457,664 bytes free

A:\>
```

Onscreen messages when STIC PC tried to read submitted disk

```
A:\>DIR

 Volume in drive A has no label
 Directory of A:\

File not found
                    1,457,664 bytes free

A:\>
```